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RACE AND THE CONSTITUTION IN AMERICAN HISTORY

INTENSIVE COURSE

Professor Michael Klarman

2009

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Syllabus
Race and the Constitution in American History
University of Toronto School of Law (Jan. 2009)
Professor Michael Klarman

The readings for the course consist of photocopied materials that should be available to you from the law school's copy center.

Class 1, Monday, Jan. 19: 12:30-2:00 PM
Slavery at the Founding
Constitutional Provisions Regarding Slavery . . . . . p. 1
Paul Finkelman, "Slavery and the Constitutional Convention: Making a Covenant with Death" . . . . . pp. 2-20

Class 2, Tuesday, Jan. 20, 8:20-10:20 AM
first hour: The Fugitive Slave Issue
Paul Finkelman, "*Prigg v. Pennsylvania* and Northern State Courts: Anti-Slavery Use of a Pro-Slavery Decision" . . . . . pp. 21-36
second hour: Slavery in the Federal Territories and *Dred Scott*
Scott v. Sandford (1857) . . . . . pp. 37-51
Robert Russel, "Constitutional Doctrines with Regard to Slavery in Territories" pp.52-56
Don Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics* . . . . . pp. 57-62

Class 3, Weds., Jan. 21: 12:30-2:00
first hour: 13th amendment
Michael Zuckert, "Completing the Constitution: The Thirteenth Amendment" . pp. 63-87
last half hour: begin 14th amendment
14th amendment . . . . . p. 88
William Nelson, *The Fourteenth Amendment* . . . . . pp. 89-104

Class 4, Friday, Jan. 23: 12:30-2:00
first half hour: finish 14th amendment
last hour: 15th amendment
Earl Maltz, *Civil Rights, The Constitution, and Congress, 1863-1869* . . . . . pp. 105-124

Class 5, Monday, Jan. 26: 12:30-2:00
first hour: Retreat from Reconstruction
Handout on *Civil Rights Cases* . . . . . p. 125
Michael Les Benedict, "Preserving Federalism: Reconstruction and the Waite Court" . . . . . pp. 126-166
last half hour: Start "The *Plessy* era"
Michael Klarman, *From Jim Crow to Civil Rights* . . . . . pp. 167-203

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Class 6, Tuesday, Jan. 27: 8:20-10:20 AM
first hour: finish "the *Plessy* era"
second hour: Race Between the World Wars (The Origins of Modern Criminal Procedure)
Michael Klarman, *From Jim Crow to Civil Rights* . . . . . pp. 204-242

Class 7, Weds., Jan. 28: 12:30-2:00
Race and the Second World War
Michael Klarman, *From Jim Crow to Civil Rights* . . . . . pp. 243-284

Class 8, Friday, Jan. 30: 12:30-2:30
first half: *Brown v. Board of Education*: Internal Deliberations
Douglas conference notes, *Bolling* and *Brown* . . . . . pp. 285-286
Douglas memorandum to the files, In re Segregation Cases . . . . . pp. 287-288
Memorandum by Mr. Justice Jackson . . . . . pp. 289-304
second half: *Brown v. Board of Education* and the Civil Rights Movement
Michael Klarman, "How *Brown* Changed Race Relations:
The Backlash Thesis" . . . . . pp. 305-342